

**ORIGINAL**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKUNITED STATES OF AMERICA X

Plaintiff

vs.

ANDREW MARTIN SINCLAIR, B4B EARTH  
TEA LLC AND B4B CORPDefendant(s) X

NOTICE OF MOTION

22 CV 1159( )

PLEASE TAKE NOTICE that upon the annexed ~~affidavit~~ or affirmation of Andrew Martin Sinclair, sworn to or affirmed \_\_\_\_\_, 20 22 and upon the complaint herein, plaintiff will move this Court, \_\_\_\_\_, U.S.D.J., in room \_\_\_, United States Courthouse, Brooklyn, New York 11201, on the \_\_\_ day of \_\_\_\_\_, 20\_\_\_, at \_\_\_\_\_ or as soon thereafter as counsel can be heard, for an order pursuant to Rule 12(b) of the Federal Rules of Civil Procedure granting **Motion of Partial Dismiss to statements contained in plaintiff's accusations** **please see attached page 1 titled "Reason to request Motion to dismiss"** **which states why I Defendant believe the court should grant this motion**

Dated: June 1, 2022

Plaintiff Pro Se

Signature

**ANDREW MARTIN SINCLAIR**

Print Name

**PO BOX 350008**

Address

**Jamaica NY 11435****718-635-2135**

Phone #

(CAPTURED FROM THE FDA WEBSITE MAY 19, 2022)

## How Are Supplements Regulated?

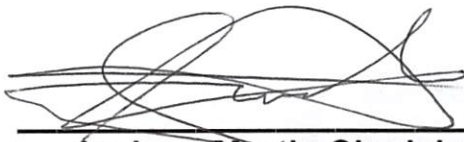
You should know the following if you are considering using a dietary supplement.

- A. Dietary supplement manufacturers do not have to get the agency's approval before producing or selling these products.
- B. Federal law does not require dietary supplements to be proven safe to FDA's satisfaction before they are marketed.
- C. For most claims made in the labeling of dietary supplements, the law does not require the manufacturer or seller to prove to FDA's satisfaction that the claim is accurate or
- D. Dietary supplements are regulated by the FDA as food, not as drugs.

Earth tea extra strength is an 100% Natural Supplement Drink, marketed as a natural Immune Drink, that May help support the immune system, to help our body overcome issues.. Based on the above facts A, B, C and D posted on the FDA website, I the Defendant asked that the court grants Motion to Dismiss Plaintiff's statements contained in the following Paragraphs

2, 4, 21, 22, 27, 28, 29, 39, 40, 43, 45, 67, 68, 69, 70, 71, 72

June 1, 2022  
Date

  
\_\_\_\_\_  
Andrew Martin Sinclair

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORKUNITED STATES OF AMERICA

Plaintiff

vs.

ANDREW MARTIN SINCLAIR, B4B EARTH:  
TEA LLC AND B4B CORPDefendant(s)~~AFFIDAVIT~~/AFFIRMATION22 CV 1159 ( )STATE OF NEW YORK )  
COUNTY OF ) ss.:

I, **Andrew Martin Sinclair**, [being duly sworn] deposes and says  
[or: make the following affirmation under the penalties of  
perjury]:

I, \_\_\_\_\_, am the plaintiff in the above  
entitled action, and respectfully move this Court to issue an  
order **Motion to Dismiss Rule (12b) and Rule (11)**.

The reason why I am entitled to the relief I seek is the  
following: **please see attach pages titled reason to request**

**Motion to dismiss, page 1 and page 2**


WHEREFORE, I respectfully request that the court grant the  
within motion, as well as such other and further relief that may  
be just and proper.

Sworn to before me this 1<sup>st</sup>  
day of June, 2022

  
\_\_\_\_\_  
Notary Public

SUNNY PHONG  
Notary Public, State of New York  
Reg. No. 01PH6387923  
Qualified in Kings County  
Commission Expires 02/25/2023

Signature

  
Andrew Martin SinclairPrint Your name  
Plaintiff Pro Se

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X  
UNITED STATES OF AMERICA

Plaintiff

vs.

ANDREW MARTIN SINCLAIR, B4B EARTH  
TEA LLC AND B4B CORP

-----X  
Defendant(s)

Affirmation of Service

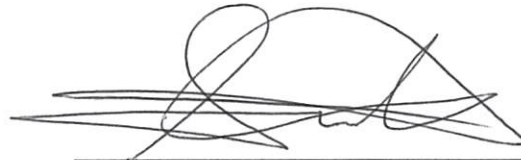
22 CV 1159 ( )

I, Andrew Martin Sinclair, declare under penalty  
of perjury that I have served a copy of the attached Notice of  
Motion and Affirmation/~~Affidavit~~ in support upon

Michael Blume - US Attorney's Office

whose address is: 271-A Cadman Plaza East, Brooklyn NY 11201

Dated: June 1, 2022  
, New York



Signature

PO BOX 350008

Address

JMAICA NY 11435

City, State & Zip Code

718-635-2135

Telephone